

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
) DOCKET NO. 04-0180
)
HAWAII SUPERFERRY, INC.)
)
)
For a Certificate of Public Convenience and)
Necessity to engage in operations as a Water)
Carrier.)

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PUBLIC UTILITIES
COMMISSION

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YOUNG BROTHERS, LIMITED'S MOTION TO PARTICIPATE

VERIFICATION

CERTIFICATE OF SERVICE

LISA M. K. SAKAMOTO
Vice President Finance and Government Affairs
Young Brothers, Limited
1331 North Nimitz Highway
Honolulu, Hawai'i 96817
Telephone No. (808) 543-9409

WATANABE ING KAWASHIMA & KOMEIJI LLP
A Limited Liability Law Partnership

J. DOUGLAS ING #1538-0
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999 Bishop Street, 23rd Floor
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Attorneys for Movant
YOUNG BROTHERS, LIMITED

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COMES NOW, YOUNG BROTHERS, LIMITED ("YB" or "Movant"), by and through its attorneys, WATANABE ING KAWASHIMA & KOMEIJI LLP, and pursuant to Hawai'i Administrative Rules ("HAR") §§ 6-61-56 and 6-61-57, hereby submits this Motion to Participate in the above-captioned proceeding. In support of its motion, YB alleges and avers as follows:

I. Movant

Movant's full name and mailing address are as follows:

Lisa M. K. Sakamoto
Vice President, Finance and Government Affairs
YOUNG BROTHERS, LIMITED
1331 North Nimitz Highway
Honolulu, Hawai'i 96817

Correspondence and communications with regard to this Motion should be sent to Movant at the address given above and to its attorneys, as follows:

J. Douglas Ing, Esq.
Wray H. Kondo, Esq.
Emi L. M. Kaimuloa, Esq.

WATANABE ING KAWASHIMA & KOMEIJI LLP
999 Bishop Street, 23rd Floor
Honolulu, Hawai'i 96813

II. PARTICIPATION

On July 22, 2004, HAWAII SUPERFERRY, INC. ("Superferry") filed an application with this Commission seeking a certificate of public convenience and necessity ("CPCN") to engage in operations as a water carrier. Superferry intends to "develop a new mode of interisland transportation" by using two (2) "roll-on/roll-off" ferries to transport persons and property (such as passenger baggage, vehicles, and produce and goods loaded onto those vehicles) between the port of Honolulu and the ports of: (1) Nawiliwili Harbor, Kauai; (2) Kahului, Maui; and (3) Kawaihae, Hawai'i.

YB is a corporation organized and existing under the laws of the State of Hawai'i. The company is a common carrier by water, transporting property by barge between the islands of Oahu, Hawai'i, Kauai, Maui, Molokai and Lanai of the State of Hawai'i.

YB is an authorized common carrier by water under the Hawaii Water Carrier Act and is currently licensed by the Public Utilities Commission of the State of Hawai'i ("the Commission") to serve all major islands of the State. The shipment of goods under its regulated water carrier service is governed by Local Freight Tariff No. 5-A ("Tariff 5-A"). In addition to actual commodity rates, Tariff 5-A contains the sailing schedules for all port destinations and general rules applicable to all shipments. Presently, there are twelve scheduled departures weekly from Honolulu serving the ports of Hilo and Kawaihae on the Island of Hawai'i, Kahului on Maui, Kaunakakai on Molokai, Kaunapau on Lanai, and Nawiliwili on Kauai.

As an authorized common carrier by water in Hawai‘i, YB has an interest in this proceeding and seeks to participate, without intervention, pursuant to HAR § 6-61-56, for the following reasons:

1. YB is currently the only regulated common carrier by water, transporting property by barge in the state of Hawai‘i. As such, YB has a direct and substantial interest in this proceeding.

2. YB supports any improvement to the inter island transportation system that will help the public. Further, YB would like to ensure that the Hawaii Water Carrier Act is fairly and impartially applied, in the interest of preserving for the public the full benefit and use of the waterways consistent with the public safety and the needs of commerce: to promote safe, adequate, economical, and efficient service among carriers, to encourage the establishment and maintenance of reasonable rates and charges for transportation and related accessorial service, without unjust discrimination, undue preference or advantage, or unfair or destructive competitive practices, all to the end of developing, coordinating, and preserving a sound transportation system by water.

3. YB requests participation to allow it:

- (a) to be served with all documents filed in this docket; and
- (b) to submit a position paper on the issues raised by Superferry’s application.

YB will not submit any exhibits or testimony. The foregoing limited participation will not broaden the issues or unduly delay the proceeding.

4. As the only common carrier by water, transporting property by barge, the direct and substantial interests of YB will not be represented by any existing parties to this proceeding.

5. YB has been engaged as a water carrier of property in Hawai'i since 1900.

6. YB's extensive expertise, knowledge, and experience as a water carrier in Hawai'i can assist the Commission in its review of Superferry's application .

7. YB requests participation to allow it:

- (a) to be served with all documents filed in this docket; and
- (b) to submit a position paper on the issues raised by Superferry's application.

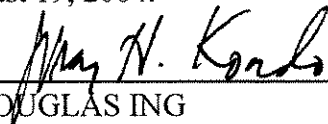
III. RELIEF REQUESTED

For the foregoing reasons, Movant YOUNG BROTHERS, LIMITED respectfully requests that this Commission grant its Motion to Participate in this matter and order that YB shall:

- (a) be served with all documents filed in this docket; and
- (b) be allowed to submit a position paper on the issues raised by Superferry's application.

No hearing is requested on this motion.

DATED: Honolulu, Hawai'i, August 19, 2004.



J. DOUGLAS ING
WRAY H. KONDO
EMI L. M. KAIMULOA
Attorneys for Movant
YOUNG BROTHERS, LIMITED

VERIFICATION

STATE OF HAWAII)
)
COUNTY OF HAWAII) ss.

LISA M. K. SAKAMOTO, the undersigned, being first duly sworn, does hereby verify under oath that she is the Vice President, Finance and Government Affairs, of YOUNG BROTHERS, LIMITED, that she has read the foregoing Motion to Participate, and that the contents thereof are true and correct to the best of her knowledge and belief.

DATED: Honolulu, Hawai'i, **AUG 18 2004**.




LISA M. K. SAKAMOTO

Subscribed and sworn to before me this

18th day of August, 2004.

Tracey A. Lane


Notary Public, State of Hawai'i

My commission expires: 2.11.08
ss.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this date, two (2) copies of the foregoing Motion to Participate were served upon the following via hand delivery:

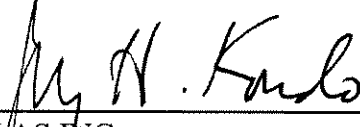
JOHN COLE, Consumer Advocate
Department of Commerce and Consumer Affairs
335 Merchant Street, Room 326
Honolulu, Hawai'i 96813

The undersigned further certifies that, on this date, one (1) copy of the foregoing Motion to Participate was served upon the following via hand delivery:

THOMAS W. WILLIAMS, JR.
AUDREY E.J. ING
DARCY L. ENDO-OMOTO
Goodsill Anderson Quinn & Stifel
Ali'i Place, Suite 1800
1099 Alakea Street
Honolulu, Hawai'i 96813

Attorneys for HAWAII SUPERFERRY, INC.

DATED: Honolulu, Hawai'i, August 19, 2004.

A handwritten signature in dark ink, appearing to read "J. Douglas Ing", is written over a horizontal line.

J. DOUGLAS ING
WRAY H. KONDO
EMI L. M. KAIMULOA
Attorneys for Movant
YOUNG BROTHERS, LIMITED

In re Application of Hawaii Superferry, Inc., Docket No. 04-0180, Certificate of Service for
Young Brothers, Limited's Motion to Participate.